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Attorney for Petitioner:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KULDIP SINGH
A72-114-013
Petitioner,

MICHAEL CHERTOFF, Secretary
Dept. of Homeland Security; *et al.*

Respondents

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Civ. No.: 3:07-CV-05990-VRW

NOTICE OF VOLUNTARY DISMISSAL
DUE TO MOOTNESS

It is axiomatic that federal courts are courts of limited jurisdiction. The Constitution restricts this Court to the adjudication of “cases” or “controversies.” U.S. Const. Art. III §2; *Allen v. Wright*, 468 U.S. 737, 750 (1984). The mootness doctrine, which is a subset of the Article III “justiciability” requirement, demands that a case present a live case or controversy at all times during the pendency of the case. *Burke v. Barnes*, 479 U.S. 361, 363 (1987).

On November 27, 2007, the Petitioner, through counsel, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2242. The Petitioner sought his release from the custody of the Respondents. The Petitioner is no longer in custody and therefore, the petition for writ of habeas corpus is moot. Counsel for the Respondent, Edward Olsen, Assistant United States Attorney has been advised of this filing and is not opposed to the Court’s dismissal of this petition.

In light of the foregoing, the Petitioner respectfully requests that the Honorable Judge dismiss the petition for mootness in light of his release from custody, the sole issue being challenged in the habeas petition.

Respectfully submitted for Petitioner, by

/s/ Martin Resendez Guajardo

Law Office of Martin Resendez Guajardo
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December 2007 I electronically transmitted the attached documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing: "Notice of Voluntary Dismissal Due To Mootness" and "Proposed Order":

United States Attorney for the
Northern District of California
450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102

/s/ Martin Resendez Guajardo

MARTIN RESENDEZ GUAJARDO
Counsel for the Respondent